

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 1214 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge?

No.

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STATE OF GUJARAT

Versus

YUSUF MUNIRKHAN PATHAN

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Appearance:

MR ND GOHIL, A.P.P. for appellant.

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 23/03/98

ORAL JUDGEMENT

This appeal is directed against the judgment and order dated 30th August, 1997 rendered by the learned Judicial Magistrate, First Class, Dahod, who upon the accused persons having pleaded guilty convicted them of the offence punishable u/s 130-138 of the Motor Vehicles

Act, 1988 and u/s 3,5,11 of the Prevention of Cruelty on Animals Act, 1960 and sentenced each of the accused persons to pay fine of Rs. 100/- i/d to suffer simple imprisonment for five days.

2. I have heard the learned A.P.P. for the State. He fairly submits that there is no minimum sentence prescribed under any of the aforesaid provisions. I have gone through the judgment and order in question.

3. Having noted the facts and circumstances of the case as appear in the impugned judgment of the learned Magistrate, I find that no indulgence is required to be shown against conviction and sentence. Hence this appeal is not entertained and the same is rejected.

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